STATE OF COLORADO }ss **COUNTY OF ELBERT**

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 8th day of October A.D 2014. there were present:

> Kurt Schlegel Robert Rowland

Commissioner Chairman

Commissioner Vice Chairman

Larry Ross

Commissioner

Sheryl Caldwell

Deputy, Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

APPROVE Resolution 14 42

RZ14-0008-OWENS XX TO AR REZONE - A request to bring a 10 acre parcel of land located in Section 31, Township 7, Range 64, into compliance with Elbert County Zoning Regulations. The parcel is currently zoned XX. The applicant is requesting rezoning from XX to AR.

WHEREAS, Cody and Michelle Owen (hereinafter "Applicants") have submitted an application requesting a Rezone for approximately 10 acres of property to create 1 lot; and

WHEREAS, the Project is located in Section 31, Township 7 South, Range 64 West; and

WHEREAS, the existing zoning is XX; and

WHEREAS, the proposed zoning is Agriculture Residential, [AR]; and

WHEREAS, the Community Development Services Department has made the following Findings related to this application:

- This project has complied with the specified requirements of Part I, Section 6 of the Zoning Regulations; that includes public notice provisions.
- This project is in general agreement with the following;
 - Land Use is suitable for the surrounding community,
 - The community has the resources to support it,
 - Proposal meets the six criteria contained in Elbert County Zoning Regulations and the fourteen General Standards of the Master Plan
 - The application is compliant with the specified water requirements contained in Chapter 4, Article 4-307 (2)(a) of the 1041 Regulations.

WHEREAS, on September 18, 2014, the Planning Commission held a public hearing on this project. At the hearing they listened to presentations by staff and the applicant, and solicited public comment. On a vote of 5 to 0 the Planning Commission is forwarding the following recommendation to the Board of County Commissioners for their consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant and listened to the presentation of the applicant and Staff, and having listened to all public comment, and being fully advised in the premise;

BE IT THEREFORE RESOLVED, the Board of County Commissioners do hereby approve **RZ14-0008 Owens XX to AR Rezone**, subject to the following conditions:

- 1. In the event the applicant or a successor in interest obtains a flood plain permit, a 100 foot building setback buffer will be maintained from the center of Running Creek.
- 2. An easement will be added to the rezone exhibit for the encroachment of the driveway into the adjacent parcel to the south.
- 3. The applicant will maintain animal waste management to prevent run off into Running Creek.
- 4. The applicant will record the Rezone Exhibit within one hundred eighty (180) days of the Board of County Commissioner approval.
- 5. The applicants will be required to remove the public notice sign within seven (7) days of approval by the Board of County Commissioners. A letter to that affect will be placed in the Community and Development Services file, prior to recordation of the Rezone Exhibit.
- 6. The Rezone will not be effective until all fees are paid, conditions of approval are met, and documents recorded.

7. Adopt the Findings as enumerated herein.

KURT SCHLEGEL, CHAIRMAN

_Aye

Aye

ROBERT ROWLAND, VICE CHAIRMAN

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Aye

LARRY ROSS, COMMISSIONER

ATTEST: DALLAS SCHROEDER

COUNTY CLERK

BY: < SHERYL CALDWELL
Deputy, Clerk to the Board

